IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 511 of 2005

Between:

Podiyam Raju, S/o. Ramulu,
R/o. Yerragunta, Bhadrachalam Mandal,

Khammam District.

..... PETITIONER

AND

1 The District Level Committee, Rep. by its Chairman,

Khammam District.
2 The District Collector, Khammam District.
3 The District Panchayat Officer, Khammam District.
4 The Mandal Revenue Officer, Burgampadu Mandal, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in notifying the Sarapaka Sand Reach, Sarapaka Gram Panchayat, Burgampad Mandal, Khamma District in Rc.No. P3/796/99, dt. 22-12-2004, without considering the representation of the petitioner dt. 28-09-2004, without considering the representation of the petitioner dt. 28-09-2004 for granting of lost period of 122 days as arbitrary, illegal, unjust and violative of principles of natural justice, consequently call for the records and set aside the same and direct the respondents to consider the representation dt. 28-09-2004 and pass such other order or orders

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

ORDER:

The present writ petition is filed challenging the action of the 3rd respondent in issuing notification in Rc.No.P3/796/99, dated 22.12.2004 for auction of leasehold rights to quarry the sand in Godavari River at Sarapaka village of Burgampadu Mandal.

The petitioner claims to be leaseholder for quarrying of sand in Godavari river at Sarapaka village of Burgampadu Mandal for a period of 10 months with effect from 01.12.2003 to 30.09.2004. The petitioner alleges that though he has been conducting quarry operations as per the conditions of the lease, at the instance of the 4th respondent/Mandal Revenue Officer, the 3rd respondent/District Panchayat Officer issued a show cause notice dated 26.06.2004, calling upon his explanation for violation of conditions of lease. That due to interference of the 4th respondent/Mandal Revenue Officer, the quarry operations were stopped for a period of 122 days, for which the petitioner made a representation dated 29.09.2004 to the 3rd respondent/District Panchayat Officer, requesting him to refund the proportionate amount of Rs.1,84,350/-. The grievance of the petitioner is that without considering his representation dated 29.09.2004, the 3rd respondent/District Panchayat Officer issued the impugned notification. Hence, the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since the representation of the petitioner dated 29.09.2004 is said to be pending

consideration before the 3rd respondent/District Panchayat Officer, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 3rd respondent/District Panchayat Officer to consider the same and pass appropriate orders thereon in accordance with law expeditiously.

With the above direction, the writ petition is disposed of. No costs.

Dated: 24.01.2005

Dsr/Tvk

ASSISTANT REGISTRAR

To:

1 The Chairman, District Level Committee,

Khammam District.
2 The District Collector, Khammam District.
3 The District Panchayat Officer, Khammam District.
4 The Mandal Revenue Officer, Burgampadu Mandal, Khammam.

5 Two CCs to the Government Pleader for Panchayat Raj and

Rural Development, High Court Buildings, Hyderabad (OUT)

6 Two CD copies

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